

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Tamika Latoya Bassett,

Plaintiff,

v.

Case No. 16-13076

Commissioner of Social Security,

Sean F. Cox
United States District Court Judge

Defendant.

ORDER

ADOPTING 8/11/17 REPORT AND RECOMMENDATION

Plaintiff Tamika Latoya Bassett filed this action, challenging a final decision of the Commissioner of Social Security denying her application for disability insurance benefits under the Social Security Act. The matter was referred to Magistrate Judge Elizabeth Stafford for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C). Thereafter, the parties filed cross-motions for summary judgment.

On August 11, 2017, Magistrate Judge Stafford issued a Report and Recommendation (“R&R”) (Docket Entry No. 26) wherein she recommends that the Court deny Plaintiff’s Motion for Summary Judgment, grant Defendant’s Motion for Summary Judgment, and affirm the Commissioner’s decision. The R&R notified the parties that they may file objections to the R&R and advised that “[e]ach objection must be labeled as ‘Objection #1,’ ‘Objection #2,’ etc. and must specify precisely the provision of this Report and Recommendation to which it pertains.” (*Id.* at 17).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R.

Here, Plaintiff filed timely objections to the R&R on August 24, 2017. Plaintiff did not, however, number her objections as instructed. This Court reads Plaintiff's objections as asserting a single objection, to the magistrate judge's conclusions relating to vascular surgeon Brian Beeman, M.D. In her summary judgment motion, Plaintiff argued that the ALJ improperly failed to give controlling weight to the medical opinions and restrictions of Dr. Beeman, who Plaintiff argued was a treating physician. Magistrate Judge Stafford carefully considered, but rejected, Plaintiff's arguments, concluding that: 1) Dr. Beeman was not a "treating physician" because he treated Plaintiff just once; 2) Dr. Beeman's opinion was not a "medical opinion" to which the ALJ was required to defer; and 3) in any event, his instructions did not conflict with the ALJ's assessed RFC. (R&R at 7 & 8). This Court concurs with the magistrate judge's analysis and conclusions regarding Dr. Beeman.

Accordingly, the Court **ADOPTS** the magistrate judge's August 11, 2017 R&R. **IT IS FURTHER ORDERED** that: 1) Plaintiff's motion is **DENIED**; 2) Defendant's motion is **GRANTED**; and 3) the ALJ's decision is **AFFIRMED**.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 1, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 1, 2017, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager